

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 362

Introduced by Assembly Member Miller

February 23, 2009

An act to add Section 490.2 to the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 362, as amended, Miller. Political signs: theft and damage.

Existing law generally establishes various offenses constituting theft.

This bill would make it a crime, except as specified, for a person to knowingly take, possess, damage, reuse, or move any political sign or signs ~~having an aggregate value of \$400 or more~~ without authorization from the owner of the sign or signs. The bill would make a violation of this provision punishable by imprisonment in a county jail not exceeding ~~one year or in the state prison and by a fine not exceeding \$15,000 per incident~~ *6 months or by a fine not exceeding \$1,000 or by both the fine and imprisonment*. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 490.2 is added to the Penal Code, to read:

490.2. (a) A person who takes, possesses, damages, reuses, or moves any political sign or signs ~~having an aggregate value of four hundred dollars (\$400) or more~~ without authorization from the owner of the sign or signs is guilty of a crime, ~~punishable by imprisonment in a county jail not exceeding one year or in the state prison and by a fine not exceeding fifteen thousand dollars (\$15,000) per incident.~~

~~(b) A person who takes, possesses, damages, reuses, or moves any political sign or signs having an aggregate value of less than four hundred dollars (\$400) without authorization from the owner of the sign or signs is punishable pursuant to provisions governing petty theft, misdemeanor, punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both the fine and imprisonment.~~

~~(c)~~

(b) For purposes of this section, “political sign” means any sign advocating the election of a specific candidate for official office or advocating a position regarding a ballot issue or issues.

~~(d)~~

(c) The prohibition in subdivision (a) does not apply to a law enforcement officer, local government official, or authorized campaign representative acting within his or her official capacity or to a private property owner who has not given consent to the posting of a political sign on his or her property.

(d) Nothing in this section shall preclude prosecution and punishment under any other provision of law, including, but not limited to, grand theft and vandalism.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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